

## United States District Court

## Western District of Tennessee

UNITED STATES OF AMERICA  
v.

Daniel L. McClellan

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 1:99CR10076-001

T. Clifton Harvel, Jr., Asst Federal Defender, appointed

Defendant's Attorney

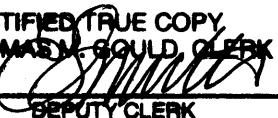
## THE DEFENDANT:

pleaded guilty to count(s) S1

pleaded nolo contendere to count(s) \_\_\_\_\_ which was accepted by the court.

was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U.S.C. § 922 (g)	Felon in Possession of a Firearm	06/12/1999	S1

CERTIFIED TRUE COPY  
THOMAS M. GOULD, CLERK  
BY   
DEPUTY CLERK

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) \_\_\_\_\_

Count(s) S2 is dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 416-52-1524

03/02/2000

Defendant's Date of Birth: 11/09/1938

Date of Imposition of Judgment

Defendant's USM No.: 33633-019

Defendant's Residence Address:

2807 Nottingham Way

James D. Todd

Signature of Judicial Officer

Dothan AL 36305

James D. Todd

U. S. District Judge

Name &amp; Title of Judicial Officer

Defendant's Mailing Address:

2807 Nottingham Way

3-2-2000

Date

This document entered on the docket sheet in compliance  
with Rule 55 and/or 32(b) FRCrP on 03/03/00

Dothan AL 36305

DEFENDANT: **Daniel L. McClellan**  
CASE NUMBER: **1:99CR10076-001**

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **70 month(s)**.

as to Count S1, to run consecutively to the defendant's imprisonment under any previous state or Federal sentence, or parole or probation violation.

The court makes the following recommendations to the Bureau of Prisons:

**FCI, Marianna, Florida as place for service of sentence.**

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on \_\_\_\_\_

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

## RETURN

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_

Deputy U.S. Marshal

DEFENDANT: **Daniel L. McClellan**  
CASE NUMBER: **1:99CR10076-001**

## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 2 year(s).

as to Count S1.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

*For offenses committed on or after September 13, 1994:*

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below).

## STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: **Daniel L. McClellan**  
 CASE NUMBER: **1:99CR10076-001**

## CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>Totals:</b> \$ 100.00	\$	\$

If applicable, restitution amount ordered pursuant to plea agreement ..... \$ \_\_\_\_\_

## FINE

The above fine includes costs of incarceration and/or supervision in the amount of \$ \_\_\_\_\_.

The defendant shall pay interest on any fine of more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

The interest requirement is waived.

The interest requirement is modified as follows:

## RESTITUTION

The determination of restitution is deferred until \_\_\_\_\_, An Amended Judgment in a Criminal Case will be entered after such a determination.

The defendant shall make restitution to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage column below.

<u>Name of Payee</u>	<u>* Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
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Totals: \$ \_\_\_\_\_

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: **Daniel L. McClellan**  
CASE NUMBER: **1:99CR10076-001**

## SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A  in full immediately; or
- B  \$ \_\_\_\_\_ immediately, balance due (in accordance with C, D, or E); or
- C  not later than \_\_\_\_\_; or
- D  in installments to commence \_\_\_\_\_ day(s) after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or
- E  in \_\_\_\_\_ (e.g. equal, weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ year(s) to commence \_\_\_\_\_ day(s) after the date of this judgment.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Special instructions regarding the payment of criminal monetary penalties:

The defendant shall pay the cost of prosecution.

The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program are to be made as directed by the court, the probation officer, or the United States attorney.

DEFENDANT: **Daniel L. McClellan**  
 CASE NUMBER: **1:99CR10076-001**

## STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

**OR**

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

See Additional Factual Findings and Guideline Application Exceptions - Page 7

### Guideline Range Determined by the Court:

Total Offense Level: **20**

Criminal History Category: **VI**

Imprisonment Range: **70 to 87 months**

Supervised Release Range: **2 to 3 years**

Fine Range: \$ 7,500.00 to \$ 75,000.00

Fine waived or below the guideline range because of inability to pay.

Total Amount of Restitution: \$ \_\_\_\_\_

Restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims, pursuant to 18 U.S.C. § 3663(d).

For offenses committed on or after September 13, 1994 but before April 23, 1996 that require the total amount of loss to be stated, pursuant to Chapters 109A, 110, 110A, and 113A of Title 18, restitution is not ordered because the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of a restitution order in the foreseeable future under any reasonable schedule of payments.

Partial restitution is ordered for the following reason(s):

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by the application of the guidelines.

**OR**

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

**OR**

The sentence departs from the guideline range:

upon motion of the government, as a result of defendant's substantial assistance.

for the following specific reason(s):

DEFENDANT: Daniel L. McClellan

CASE NUMBER: 1:99CR10076-001

## **ADDITIONAL FINDINGS AND GUIDELINE APPLICATIONS EXCEPTIONS**

The sentence imposed on 01/05/93 (#CC-91-0501) and amended on 08/03/93 and 04/27/99 results in the assessment of one vice three criminal history points.

51AC, TERMED

**U.S. District Court**  
**Western District of Tennessee (Jackson)**  
**CRIMINAL DOCKET FOR CASE #: 1:99-cr-10076-JDT-ALL**  
**Internal Use Only**

Case title: USA v. McClelland, et al

Date Filed: 09/22/1999

Assigned to: James D. Todd

**Defendant****Daniel L. McClelland (1)**  
TERMINATED: 03/02/2000represented by **Fed. Public Defender**  
FEDERAL PUBLIC DEFENDER  
200 Jefferson Ave.  
Ste. 200  
Memphis, TN 38103  
901-544-3895  
Fax: 555-5555  
TERMINATED: 09/30/1999  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED  
Designation: Public Defender or  
Community Defender Appointment**April Rose Goode**  
FEDERAL PUBLIC DEFENDER  
200 Jefferson Ave.  
Ste. 200  
Memphis, TN 38103  
901-544-3895  
Fax: 555-5555  
TERMINATED: 10/07/1999  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED  
Designation: Public Defender or  
Community Defender Appointment**T. Clifton Harviel, Jr.**  
LAW OFFICE OF CLIFTON HARVIEL  
50 N. Front St.  
Ste. 850  
Memphis, TN 38103  
901-543-9799  
TERMINATED: 03/02/2000  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

CERTIFIED TRUE COPY  
THOMAS M. CONRAD CLERK  
BY \_\_\_\_\_ DEPUTY CLERK



*Designation: Public Defender or  
Community Defender Appointment*

**Pending Counts**

18:922G.F UNLAWFUL  
TRANSPORT OF FIREARMS,  
ETC.  
(1s)

**Disposition**

70 mos imprisonment ct 1s, 2 yrs supervised  
release, \$100 special assessment

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

18:922G.F UNLAWFUL  
TRANSPORT OF FIREARMS,  
ETC.  
(2s)

**Disposition**

dismissed on motion of USA

**Highest Offense Level  
(Terminated)**

Felony

**Complaints**

None

**Disposition****Plaintiff**

USA

represented by **Tammi R. Simpson**  
U.S. ATTORNEY'S OFFICE  
3rd Floor Federal Bldg.  
109 S. Highland Ave.  
Ste. 300  
Jackson, TN 38301  
731-422-6220  
Fax: 422-6668  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Date Filed #****Docket Text**

09/22/1999 1 INDICTMENT by USA Counts filed against Daniel L. McClelland (1) count(s) 1-2 (EJS) (Entered: 09/23/1999)

09/22/1999 2 ARREST Warrant issued for Daniel L. McClelland by Judge James D. Todd (EJS) (Entered: 09/23/1999)

09/27/1999 3 ARREST Warrant returned executed as to defendant Daniel L. McClelland ; defendant arrested on 9/27/99 (EJS) (Entered: 09/28/1999)

09/27/1999 4 MINUTES: initial appearance of Daniel L. McClelland - ct read rts and chgs to dft, USA seeks detention , detention hearing set for 1:30 9/30/99, dft requested ct apptd cnsl, FD apptd. Type of hearing held: initial appearance. Presiding Judge: Breen. AUSA: Simpson. Dft Atty: none present. C/R: Baker. (EJS) (Entered: 09/28/1999)

09/27/1999 5 ORDER by Mag Judge J. D. Breen for Daniel L. McClelland attorney Fed. Public Defender added (cc: all counsel) (EJS) (Entered: 09/28/1999)

09/27/1999 6 ORDER of Temporary Detention by Mag Judge J. D. Breen as to defendant Daniel L. McClelland (cc: all counsel) (EJS) (Entered: 09/28/1999)

09/30/1999 7 MINUTES: detention hearing held on 9/30/99 as to Daniel L. McClelland , no proof either side, dft ordered detained, dft arrnd, not guilty plea entered, Rule 32 not waived. Type of hearing held: detention. Presiding Judge: Breen. AUSA: Simpson. Dft Atty: Ferguson. C/R: Martin. (EJS) (Entered: 10/01/1999)

09/30/1999 7 SUBSTITUTION of Attorney April R. Ferguson replacing attorney Fed. Public Defender for Daniel L. McClelland (EJS) (Entered: 10/01/1999)

09/30/1999 8 ORDER by Mag Judge J. D. Breen dft Daniel L. McClelland arraigned; not guilty plea entered (cc: all counsel) (EJS) (Entered: 10/01/1999)

09/30/1999 9 ORDER of Detention by Mag Judge J. D. Breen as to Daniel L. McClelland (cc: all counsel) (EJS) (Entered: 10/01/1999)

10/07/1999 10 SUBSTITUTION of Attorney T. Clifton Harviel Jr. replacing attorney April R. Ferguson for Daniel L. McClelland - cjt (EJS) (Entered: 10/07/1999)

10/07/1999 11 RULE 16 Discovery Request as to defendant Daniel L. McClelland - letter dated 10/06/99 from AFD Harviel to AUSA Simpson - cjt (EJS) (Entered: 10/07/1999)

10/12/1999 12 APPEARANCE for plaintiff USA by Attorney Tammi Simpson - cjt (EJS) (Entered: 10/13/1999)

10/15/1999 13 SETTING LETTER report date set for 9:15 11/17/99 for Daniel L. McClelland ; jury trial set for 9:30 12/6/99 for Daniel L. McClelland (EJS) (Entered: 10/15/1999)

10/19/1999 14 RULE 16 Discovery Response as to defendant Daniel L. McClelland - letter dated 10/18/99 from AUSA Simpson to AFD Harviel (EJS) (Entered: 10/20/1999)

10/22/1999 15 SUPERSEDING indictment by USA; counts filed against Daniel L. McClelland (1) count(s) 1s-2s (EJS) (Entered: 10/25/1999)

10/22/1999 16 ARREST Warrant issued for Daniel L. McClelland by Judge James D. Todd (EJS) (Entered: 10/25/1999)

10/25/1999 17 ARREST Warrant returned executed as to defendant Daniel L. McClelland ; defendant already in custody of USM (EJS) (Entered: 10/26/1999)

10/27/1999 18 RULE 16 Discovery Response as to defendant Daniel L. McClelland - letter dated 10/25/99 from AUSA Simpson to AFD Harviel (EJS) (Entered: 10/28/1999)

11/03/1999 19 MOTION as to Daniel L. McClelland to continue report and trial dates - cjt (EJS) (Entered: 11/04/1999)

11/04/1999 20 ORDER by Judge James D. Todd denying motion to continue [19-1] trial date. Issue of trial date to be discussed at 11/17/99 report date. (cc: all counsel) 1 (EJS) (Entered: 11/05/1999)

11/09/1999 21 RULE 16 Discovery Response as to defendant Daniel L. McClelland - letter dated 11/09/99 from AUSA Simpson to AFD Harviel (EJS) (Entered: 11/10/1999)

11/15/1999 22 MOTION and MEMORANDUM as to Daniel L. McClelland to suppress - cjt (EJS) (Entered: 11/16/1999)

11/15/1999 23 MOTION by USA as to Daniel L. McClelland to continue report date (11/17/99) - cjt (EJS) (Entered: 11/16/1999)

11/17/1999 24 SETTING LETTER report date re se from 11/17/99 for 9:15 11/30/99 for Daniel L. McClelland (EJS) (Entered: 11/23/1999)

11/23/1999 25 RULE 16 Discovery Response as to defendant Daniel L. McClelland - letter dated 11/22/99 from AUSA Simpson to AFD Harviel (EJS) (Entered: 11/30/1999)

11/24/1999 26 SETTING LETTER report date set for 8:30 11/30/99 for Daniel L. McClelland - time change only (EJS) (Entered: 11/30/1999)

11/29/1999 27 RESPONSE by plaintiff USA to motion to suppress [22-1] - cjt (EJS) (Entered: 12/01/1999)

11/30/1999 28 MINUTES: report date held on 11/30/99 as to Daniel L. McClelland denying motion to suppress [22-1]. Witnesses: McKnight, Blado, Hollingsworth. Est 2-3 days to try, trial remains scheduled 12/06/99 9:30. Type of hearing held: report date. Presiding Judge: Todd. AUSA: Simpson. Dft Atty: Harviel. C/R: Martin. (EJS) (Entered: 12/01/1999)

11/30/1999 29 EXHIBIT/WITNESS list to report date (EJS) (Entered: 12/01/1999)

11/30/1999 30 TRANSCRIPT of proceedings for the following date(s): 11/30/99 as to defendant Daniel L. McClelland of suppression hearing. Volumes: clerk copy only. Court Reporter: Martin. (EJS) (Entered: 12/01/1999)

12/01/1999 31 ORDER DENYING MOTION TO SUPPRESS as stated in court 11/30/99 by Judge James D. Todd (cc: all counsel) (EJS) (Entered: 12/03/1999)

12/02/1999 32 MOTION as to Daniel L. McClelland to continue trial date - cjt - FMRJ 12/03 (EJS) (Entered: 12/07/1999)

12/03/1999 33 RULE 16 Discovery Response as to defendant Daniel L. McClelland - copy of letter dated 12/03/99 from AUSA Simpson to AFD Harviel (EJS) (Entered: 12/07/1999)

12/06/1999 34 STIPULATION that dft has been convicted of crime punishable by imprisonment exceeding 1 year - cjt (EJS) (Entered: 12/07/1999)

12/06/1999 35 MINUTES: denying motion to continue [32-1], motion to reconsider motion to suppress denied. 33 prospective jurors, jury selection, 33 present, 14 used, 9 challenged, 10 in reserve. Jury sworn, preliminary instructions. Dft entered plea of not guilty. Call for the Rule. Opening statements, stipulation read into record. USA proof. Witnesses: McKnight, Broglin, Blado, Hollingsworth, Whipple, Ward, Prickett. Type of hearing held: jury trial. Presiding Judge: Todd. AUSA: Grinalds. Dft Atty: Harviel. C/R: Martin. (EJS) (Entered: 12/07/1999)

12/07/1999 36 MINUTES: jury trial continued. 14 jurors present. Witness: Stone. USA rests. Dft advised ct 2 witnesses not available. Jury out, motion for jgm of acquittal re: dft denied. Jury in. Dft proof. Witness: Pitcher. Sidebar. Explanation to court by dft cnsl re: witnesses/ USM to check w/ Dothan Police Dept. Jury in. Type of hearing held: jury trial. Presiding Judge: Todd. AUSA: Simpson. Dft Atty: Harviel. C/R: Martin. (EJS) (Entered: 12/08/1999)

12/08/1999 37 MINUTES: - jury trial resumed. Closed proceedings - SEALED> Jury in, 14 jurors present. Ct informed jury a plea of guilty had been entered, jurors discharged. Type of hearing held: jury trial. Presiding Judge: Todd. AUSA: Simpson. Dft Atty: Harviel. C/R: Martin. (EJS) (Entered: 12/08/1999)

12/08/1999 38 MINUTES: guilty plea entered by Daniel L. McClelland as to ct 1ss, basis in fact established, guilty plea accepted, sentencing hearing set for 8:30 3/2/99 for Daniel L. McClelland as to Daniel L. McClelland Type of hearing held: change of plea. Presiding Judge: Todd. AUSA: Simpson. Dft Atty: Harviel. C/R: Martin. (EJS) (Entered: 12/08/1999)

12/08/1999 39 EXHIBIT/WITNESS list (EJS) (Entered: 12/08/1999)

12/08/1999 40 NOTICE - Kenneth Blado of South Fulton Police Dept rec'd 2 guns and ammunition (EJS) (Entered: 12/08/1999)

12/08/1999 41 SETTING LETTER setting sntc 03/02/99 8:30 (EJS) (Entered: 12/08/1999)

12/09/1999 42 ORDER ON CHANGE OF PLEA by Judge James D. Todd (cc: all counsel) (EJS) (Entered: 12/10/1999)

02/23/2000 43 POSITION PAPERS by USA as to defendant Daniel L. McClelland - objections as stated - CJT (SKP) (Entered: 02/23/2000)

02/28/2000 44 POSITION PAPERS by Daniel L. McClelland as to defendant Daniel L. McClelland - cjt (EJS) (Entered: 03/01/2000)

03/02/2000 45 MINUTES: sentencing hearing held on 3/2/00 as to Daniel L. McClelland - dft sntcd on ct 1s to 70 mos imprisonment to run

consecutive to dft's imprisonment under any previous state or federal sentence or parole or probation violation; 2 yrs supervised release; report to USPO w/in 72 hrs of release; standard and mandatory conditions, no crimes, no weapons, fine waived. \$100 special assessment due immediately. Ct recmds FCI Marianna FL, ct 2s dismissed on motion of USA, appeal packet handed atty, dft remanded to USM. Dft objects to PSR, GLR 70-87 mos, copy of order from Circuit Court of 20th Judicial Circuit of AL, Houston Co., attached to minutes. Type of hearing held: sentencing. Presiding Judge: Todd. AUSA: Simpson. Dft Atty: Harviel. C/R: Martin. (EJS) (Entered: 03/02/2000)

03/02/2000 46 JUDGMENT IN A CRIMINAL CASE sentencing Daniel L. McClelland count 1s - 70 mos imprisonment, 2 yrs supervised release, \$100 special assessment , count 2s dismissed on motion of USA , terminating party Daniel L. McClelland , case terminated by Judge James D. Todd (cc: all counsel) (EJS) (Entered: 03/03/2000)

03/10/2000 48 APPEAL Notice to USCA by defendant Daniel L. McClellan regarding [46-5] - filed by dft McClellan, Pro Se; copy of NOA, 2 tran/frms, cert copy of ds and copy of judgment sent to COA - FMRJ 3/15/00 - copy all parties (EJC) Modified on 03/20/2000 (Entered: 03/20/2000)

03/13/2000 47 STATEMENT of Reason for Imposing Sentence by Judge James D. Todd as to Daniel L. McClelland (EJS) (Entered: 03/15/2000)

03/15/2000 49 APPEAL Notice to USCA by defendant Daniel L. McClelland regarding [46-5]; copy of NOA filed by dft, Daniel L. McClellan, along with 2 tran/frms, cert copy of ds and copy of judgment sent on filing of NOA for dft, Daniel L. McClellan, filed by atty Clifton Harviel - copy all parties(EJC) Modified on 03/20/2000 (Entered: 03/20/2000)

03/15/2000 50 MOTION as to Daniel L. McClelland dismiss counsel - CJT (EJC) (Entered: 03/20/2000)

03/17/2000 51 ORDER by Judge James D. Todd denying motion dismiss counsel [50-1] and striking pro se notice of appeal (cc: all counsel, COA) (EJS) (Entered: 03/23/2000)

03/22/2000 52 MOTION as to Daniel L. McClelland to appoint counsel and to reconsider sentence - cjt (EJS) (Entered: 03/23/2000)

03/22/2000 53 MOTION as to Daniel L. McClelland stay transfer - cjt (EJS) (Entered: 03/23/2000)

03/23/2000 54 MOTION as to Daniel L. McClelland for application for writ of coram nobis - cjt (EJS) (Entered: 03/24/2000)

03/30/2000 MAIL Returned [51-1] addressed to defendant Daniel L. McClelland (EJS) (Entered: 03/31/2000)

03/31/2000 APPEAL number 00-5369 received from USCA regarding [49-1] ; Diane Schnur case manager (EJS) (Entered: 04/03/2000)

03/31/2000 APPEAL number 00-5368 received from USCA regarding [48-1] ; Diane Schnur case manager (EJS) (Entered: 04/03/2000)

04/03/2000 55 ORDER by Judge James D. Todd denying motion [54-1], denying motion stay transfer [53-1], denying motion [52-1] (cc: all counsel, COA) (EJS) (Entered: 04/03/2000)

04/03/2000 56 NOTICE OF CHANGE OF ADDRESS by Daniel L. McClelland to Daniel L. McClellan, #33633-019, P.O. Box 898801, Oklahoma City, OK, 73149 - temporary address, dft en route to FCI Marianna - instructions from dft to hold court correspondence until he reaches FCI Marianna at which time he will notify court. (EJS) (Entered: 04/05/2000)

04/05/2000 57 APPEAL Transcript Designation and Order form for the dates of 03/02/00 regarding [49-1] - sentencing hearing - filed Mphs 04/05, rec'd Jax 04/07 (EJS) (Entered: 04/07/2000)

04/10/2000 MAIL Returned [55-1] addressed to defendant Daniel L. McClelland (EJS) (Entered: 04/11/2000)

04/10/2000 58 APPEAL Judgment from USCA dismissing the appeal [48-1] as duplicative - this is dft's pro se appeal - appeal filed by Atty Harviel remains in effect and any issues that could have been raised in pro se appeal may be raised in this appeal. : (EJS) (Entered: 04/11/2000)

04/13/2000 APPEAL number 00-5368 received from USCA regarding [49-1] ; Diane Schnur case manager - also rec'd order denying motion to dismiss counsel w/out prejudice and striking pro se notice of appeal (EJS) (Entered: 04/13/2000)

04/24/2000 59 APPEAL Notice to USCA by defendant Daniel L. McClelland regarding order [55-1] - filing fee not paid - CJT, info to USA, copy to COA with 2 TR form, copy of docket sheet. (SKP) (Entered: 04/27/2000)

05/15/2000 APPEAL number 00-5606 received from USCA regarding [59-1] (pro se appeal) ; Diane Schnur case manager (EJS) (Entered: 05/15/2000)

05/26/2000 60 TRANSCRIPT of proceedings for the following date(s): 03/02/00 as to defendant Daniel L. McClelland of sentencing. Volumes: clerk copy o. nly Court Reporter: Martin. (EJS) (Entered: 05/30/2000)

05/31/2000 61 JUDGMENT returned executed. Reported/delivered by N. Mitchell to FCI Marianna on 5/24/00 as to defendant Daniel L. McClelland (EJS) (Entered: 06/01/2000)

05/31/2000 62 ARREST Warrant returned executed as to defendant Daniel L. McClelland; defendant committed to FCI Marianna on 05/24/00 (EJS) (Entered: 06/01/2000)

05/08/2001 63 APPEAL Transcript Designation and Order form for the dates of 12/07 - 12/08/99 (EJS) (Entered: 05/08/2001)

06/22/2001 64 APPEAL TRANSCRIPT of proceedings for the following date(s): 12/07/99 as to defendant Daniel L. McClelland of trial proceedings. Volumes: one of three, clerk copy only. Court Reporter: Martin. (EJS) (Entered: 06/25/2001)

06/22/2001 65 TRANSCRIPT of proceedings for the following date(s): 12/06/99 as to

defendant Daniel L. McClelland of trial proceedings. Volumes: two of three, clerk copy only. Court Reporter: Martin. (EJS) (Entered: 06/25/2001)

06/22/2001 66 APPEAL TRANSCRIPT of proceedings for the following date(s): 12/08/99 as to defendant Daniel L. McClelland of trial proceedings (SEALED). Volumes: three of three, clerk copy only. Court Reporter: Martin. (EJS) (Entered: 06/25/2001)

07/23/2001 67 PRESENTENCE Report on Daniel L. McClelland (sealed and held in appeals section). (EJS) (Entered: 07/23/2001)

07/23/2001 ORIGINAL record on appeal as to Daniel L. McClelland transmitted to 6th Circuit consisting of 2 vol(s) pleadings (including 1 sealed PSR): 5 vol(s) transcripts (including 1 sealed): copies of docket sheet and transmission form. (cc: copies to all counsel) (EJS) (Entered: 07/23/2001)

08/20/2001 REMARK - COA rec'd record and filed it on 07/27/01 (EJS) (Entered: 08/21/2001)

09/27/2001 68 APPEAL Judgment from USCA affirming the decision of the District Court [59-1], affirming the decision of the District Court [49-1] (cc: all counsel) (EJS) (Entered: 09/27/2001)

10/19/2001 69 ORDER Mandate Issued: 10/17/01 from 6th Circuit pursuant to the court's disposition that was entered 09/25/01. (EJS) (Entered: 10/22/2001)

01/28/2002 70 APPEAL Judgment from USCA affirming district court decision (EJS) (Entered: 01/29/2002)

03/18/2002 71 ORDER Mandate Issued: 3/14/02 from 6th Circuit pursuant to the court's disposition that was entered 1/24/02. (SKP) (Entered: 03/19/2002)

04/11/2002 72 APPEAL Record returned by USCA as to defendant Daniel L. McClelland: 2 vols pleadings, 4 vols transcript (EJS) (Entered: 04/12/2002)

02/18/2003 EXHIBITS - Exhibits 1 thru 5 (suppression hrg 11/30/99) destroyed 02/18/03 (BPH) (Entered: 02/18/2003)

02/18/2003 EXHIBITS- Exhibits 1, 3 and 4 (trial 12/99) destroyed 02/18/03 (BPH) (Entered: 02/18/2003)

07/13/2005 73 Probation Jurisdiction Transferred to Middle District of Alabama as to Daniel L. McClelland: Transmitted Transfer of Jurisdiction form, with certified copies of indictment, judgment and docket sheet. (ejs, ) (Entered: 07/18/2005)

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL L. McCLELLAND,

Defendant.

1-99-10076

Cr. \_\_\_\_\_  
18 U.S.C. § 922(g)

ROBERT A. DiTROIO  
CLERK, U.S. DIST. CT.  
W. D. OF TN JACKSON

99 SEP 22 PM 4:28

FILED BY SP D.C.

**INDICTMENT**

**THE GRAND JURY CHARGES:**

**COUNT 1**

On or about June 12, 1999, in the Western District of Tennessee, the defendant,

-----DANIEL L. McCLELLAND-----

having been convicted of crimes punishable by imprisonment for a term exceeding one year, that  
being:

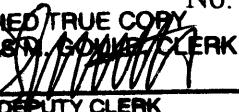
a. Conspiracy to Possess Counterfeit Obligations in Case No. 6452 on

May 26, 1971, in the Northern District of Florida, Pensacola, Florida;

and,

b. Conspiracy in Interstate Transportation of Forged Securities in Case

No. 2251S on June 1, 1971, in the Middle District of Alabama,

CERTIFIED TRUE COPY  
THOMAS J. GOWAN CLERK  
BY   
DEPUTY CLERK

Montgomery, Alabama; and,

c. First Degree Murder in Case No. 75-229CF on June 11, 1976, in

Washington County, Chipley, Florida; and,

d. Receiving Stolen Property, First Degree in Case No. CC91-501 on

January 5, 1993, in Houston County, Dothan, Alabama,

did knowingly possess and receive a firearm which had been shipped and transported in interstate commerce, that is a Colt, Detective Special, .38 caliber revolver, serial number 40337M, in violation of Title 18, United States Code, Section 922(g).

**COUNT 2**

On or about June 12, 1999, in the Western District of Tennessee, the defendant,

-----**DANIEL L. McCLELLAND**-----

having been convicted of crimes punishable by imprisonment for a term exceeding one year, that being:

a. Conspiracy to Possess Counterfeit Obligations in Case No. 6452 on

May 26, 1971, in the Northern District of Florida, Pensacola, Florida;

and,

b. Conspiracy in Interstate Transportation of Forged Securities in Case

No. 2251S on June 1, 1971, in the Middle District of Alabama,

Montgomery, Alabama; and,

- c. First Degree Murder in Case No. 75-229CF on June 11, 1976, in Washington County, Chipley, Florida; and,
- d. Receiving Stolen Property, First Degree in Case No. CC91-501 on January 5, 1993, in Houston County, Dothan, Alabama,

did knowingly possess and receive ammunition which had been shipped and transported in interstate commerce, that is twenty-seven (27) rounds of assorted .38 caliber ammunition, in violation of Title 18, United States Code, Section 922(g).

A TRUE BILL:

  
EDWARD G. HOWARD  
FOREMAN

DATE: September 22, 1999

  
DANIEL L. SIMPSON  
UNITED STATES ATTORNEY